IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MS JUSTICE G.ROHINI**

**WRIT PETITION NO : 13699 of 2004**

Between:

N.Madhavi Latha, W/o.Krishna Murthy,
F.P.Shop Dealer, Kumdampally Village, Pullalacheruvu Mandal, Prakasam District.

**..... PETITIONER**

AND

1 The Joint Collector, Ongole, Prakasam Dist.
2 The Revenue Divisional officer, Markapur, Prakasam Dist.
3 The M.R.O.,Pullalacheruvu, Prakasam Dist.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 1st respondent herein in issuing proceedings dt.21-7-2004 in Rc.CS 2/2425/2004 in so far as the rejecting the stay as illegal, arbitrary and based on total non-application of mind.

**Counsel for the Petitioner:MR.V.MALLIK**

**Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES**

**The Court made the following :**

**ORDER:**

The petitioner is the authorized dealer of the Fair Price Shop in respect of Kumdampally village, Pullalacheruvu Mandal, Prakasam District. Her authorization has been suspended pending enquiry into certain allegations, by the proceedings of the second respondent, Revenue Divisional Officer, Markapuram dated 21.6.2004. Against the said order, the petitioner preferred an appeal before the first respondent, Joint Collector, Ongole, Prakasam District along with an application for stay of operation of the impugned order of suspension. The Joint Collector by order dated 21.7.2004 rejected the application for stay. The said order is under challenge in this writ petition.

Heard the learned counsel for both the parties.

A perusal of the order dated 21.6.2004, whereunder the authorization of the petitioner has been suspended, does not disclose any allegation of diversion of stocks to black market. All other allegations have been denied by the petitioner and admittedly the enquiry is pending. Further, the order of suspension itself is the subject matter of the Appeal. Having regard to the facts and circumstances, I am of the view that the balance of convenience lies in favour of the petitioner and it would be appropriate to permit her to continue as dealer till the disposal of the appeal.

Accordingly, the impugned order dated 21.7.2004 is set aside and the writ petition is disposed of with a direction to the first respondent to consider the appeal and to pass appropriate orders in accordance with law as expeditiously as possible,

preferably within a period of four (4) weeks from the date of receipt of a copy of this order. Till the disposal of the appeal by the first respondent, the order of suspension dated 21-06-2004 shall not be given effect to. No costs.

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G. ROHINI, J.

04th August 2004

Tsr.

To

1 The Joint Collector, Ongole, Prakasam Dist.
2 The Revenue Divisional officer, Markapur, Prakasam Dist.
3 The M.R.O.,Pullalacheruvu, Prakasam Dist.

4 Two CCs to Government Pleader for Civil Supplies, High Court Buildings, Hyderabad. (OUT)

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